IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

CRP.No. 228 of 2005()

OPELE.5/2001 of ADDL. DISTRICT COURT, THODUPUZHA
.....

REVN. PETITIONER: RESPONDENT

THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSEB

RESPONDENTS: PETITIONER

CHANDRASEKHARAN NAIR,
S/O. SANKUNNY PILLAI,
MINIBHAVAN, PANAMKUTTY P.O., PANAMKUTTY KARA,
KONNATHADY VILLAGE, UDUMBANCHOLA TALUK.

BY SC. SRI.C.K.KARUNAKARAN (SC FOR KSEB)
BY ADV. SRI.JOHNSON P.JOHN
SRI.RAJU VADAKKEKARA
SRI.BABY MATHEW

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO.622/2005 IN CRP NO.228/2005

DISMISSED

12.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

P.A. TO JUDGE

PIUS C. KURIAKOSE, J.

C.R.P. NO.228 OF 2005

Dated this the 12th day of July , 2007

O R D E R

Heard the learned Standing Counsel for the KSEB. He seeks time on the ground that the file is misplaced. On going through the impugned award, I find that the learned Judge has relied on the principles laid down by this court in the judgment in CRP No.196/1996. In fact after preliminary award was passed, by which it was found that the petitioner is entitled to additional compensation, the petitioner was directed to file a statement in accordance with the directions in the preliminary award. A reading of the impugned award will show that the KSEB did not file any objection to the statement filed.

2. Under the above circumstances, it cannot be said that the impugned order suffers from any infirmity warranting correcting under the revisional jurisdiction under Section 115 of the C.P.C. But at the same time I find, on the facts of this case

that the court below was not justified in awarding interest at the rate of 9% per annum I reduce the rate of interest from 9% to 6% . Subject to that modification, the impugned order is confirmed.

The Civil Revision Petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

dpk